Anno quarto

Georgii III. Regis.

CAP. XV.

An Act for granting certain Duties in the *Britiſh* Colonies and Plantations in *America*; for continuing, amending, and making perpetual, an Act paſſed in the Sixth Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for the better ſecuring and encouraging the Trade of His Majeſty's Sugar Colonies in America*); for applying the Produce of ſuch Duties, and of the Duties to ariſe by virtue of the ſaid Act, towards defraying the Expences of defending, protecting, and ſecuring, the ſaid Colonies and Plantations; for explaining an Act made in the Twenty fifth Year of the Reign of King *Charles* the Second, (intituled, *An Act for the Encouragement of the* Greenland *and* Eaſtland *Trades, and for the better ſecuring the Plantation Trade*); and for altering and diſallowing ſeveral Drawbacks on Exports from this Kingdom, and more effectually preventing the clandeſtine Conveyance of Goods to and from the ſaid Colonies and Plantations, and improving and ſecuring the Trade between the ſame and *Great Britain*.

Preamble.



WHEREAS it is expedient that new Provisions and Regulations should be established for improving the Revenue of this Kingdom, and for extending and securing the Navigation and Commerce between Great Britain and Your Majesty's Dominions in America, which, by the Peace, have been so happily enlarged: And whereas it is just and necessary, that a Revenue be raised, in Your Majesty's said Dominions in America, for defraying the Expences of defending, protecting, and securing the same; we, Your Majesty's most dutiful and loyal Subjects, the Commons of Great Britain, in Parliament assembled, being desirous to make some Provision, in this present Session of Parliament, towards raising the said Revenue in America, have resolved to give and grant unto Your Majesty the several Rates and Duties herein after-mentioned; and do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty ninth Day of September, One thousand seven hundred and sixty four, there shall be raised, levied, collected, and paid, unto His Majesty, His Heirs and Successors, for and upon all White or Clayed Sugars of the Produce or Manufacture of any Colony or Plantation in America, not under the Dominion of His Majesty, His Heirs and Successors; for and upon Indico, and Coffee of Foreign Produce or Manufacture; for and upon all Wines (except French Wine); for and upon all Wrought Silks, Bengals, and Stuffs, mixed with Silk or Herba, of the Manufacture of Persia, China, or East India, and all Callico painted, dyed, printed, or stained there; and for and upon all Foreign Linen Cloth called Cambrick and French Lawns, which shall be imported or brought into any Colony or Plantation in America, which now is, or hereafter may be, under the Dominion of His Majesty, His Heirs and Successors, the several Rates and Duties following; that is to say,

From and after 29 *Sept.* 1764, the following Rates and Duties to take Place on the several Species of Foreign Goods here enumerated, imported into any of His Majesty's Plantations in *America*;

For

For every Hundred Weight Avoirdupois of such Foreign White or Clayed Sugars, One Pound, Two Shillings, over and above all other Duties imposed by any former Act of Parliament. On Foreign White or Clayed Sugars, 1 *l.* 2 *s. per* C. wt.

For every Pound Weight Avoirdupois of such Foreign Indico, Six Pence. Indico 6 *d. per* lb.

For every Hundred Weight Avoirdupois of such Foreign Coffee, which shall be imported from any Place, except Great Britain, Two Pounds, Nineteen Shillings, and Nine Pence. Coffee 2 *l.* 19 *s.* 9 *d. per* C. wt.

For every Ton of Wine of the Growth of the Madeiras, or of any other Island or Place from whence such Wine may be lawfully imported, and which shall be so imported from such Islands or Places, the Sum of Seven Pounds. *Madeira* Wines 7 *l. per* Ton.

For every Ton of Portugal, Spanish, or any other Wine (except French Wine) imported from Great Britain, the Sum of Ten Shillings. *Portugal* and *Spanish* Wines 10 *s. per* Ton.

For every Pound Weight Avoirdupois of Wrought Silks, Bengals, and Stuffs, mixed with Silk or Herba, of the Manufacture of Persia, China, or East India, imported from Great Britain, Two Shillings. Wrought Silks, Bengals, and Stuffs, mixt with Silk or Herba, 2 *s. per* lb.

For every Piece of Callico painted, died, printed, or stained, in Persia, China, or East India, imported from Great Britain, Two Shillings and Six Pence. Callicoes 2 *s.* 6 *d. per* Piece.

For every Piece of Foreign Linen Cloth, called Cambrick, imported from Great Britain, Three Shillings. Cambricks 3 *s. per* Piece.

For every Piece of French Lawn imported from Great Britain, Three Shillings. *French* Lawns 3 *s. per* Piece.

And after those Rates for any greater or lesser Quantity of such Goods respectively.

And it is hereby further enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, One thousand seven hundred and sixty four, there shall also be raised, levied, collected, and paid, unto His Majesty, His Heirs and Successors, for and upon all Coffee and Pimento of the Growth and Produce of any British Colony or Plantation in America, which shall be there laden on Board any British Ship or Vessel, to be carried out from thence to any other Place whatsoever, except Great Britain, the several Rates and Duties following; that is to say, Duties on Coffee and Pimento of the Growth of the *British* Colonies, imported from thence to other Places, except *Great Britain*, viz.

For every Hundred Weight Avoirdupois of such British Coffee, Seven Shillings. Coffee 7 *s. per* C. wt.

Pimento 2 *q. per* lb.

For every Pound Weight Avoirdupois of such British Pimento, One Halfpenny.

And after those Rates for any greater or lesser Quantity of such Goods respectively.

Act 6 Geo. II. And whereas an Act was made in the Sixth Year of the Reign of his late Majesty King George the Second, intituled, An Act for the better securing and encouraging the Trade of His Majesty's Sugar Colonies in *America*, which was to continue in Force for Five Years, to be computed from the Twenty fourth Day of June, One thousand seven hundred and thirty three, and to the End of the then next Session of Parliament; and which, by several subsequent Acts made in the Eleventh, the Nineteenth, the Twenty sixth, the Twenty ninth, and the Thirty first Years of the Reign of his said late Majesty, was, from time to time, continued; and, by an Act made in the First Year of the Reign of his present Majesty, was further continued until the End of this present Session of Parliament; and although the said Act hath been found in some Degree useful, yet it is highly expedient that the same should be altered, enforced, and made more effectual; but, in Consideration of the great Distance of several of the said Colonies and Plantations from this Kingdom, it will be proper further to continue the said Act for a short Space, before any Alterations and Amendments shall take Effect, in order that all Persons concerned may have due and proper Notice thereof; be it therefore enacted by the Authority aforesaid, That the said Act made in the Sixth Year of the Reign of his late Majesty King George the Second, intituled, An Act for the better securing and encouraging the Trade of His Majesty's Sugar Colonies in *America*, shall be, and the same is hereby further continued, until the Thirtieth Day of September, One thousand seven hundred and sixty four.

further continued to 30 *Sept.* 1764.

The said Act made perpetual, subject to the Alterations made herein.

And be it further enacted by the Authority aforesaid, That from the Twenty ninth Day of September, One thousand seven hundred and sixty four, the said Act, subject to such Alterations and Amendments as are herein after contained, shall be, and the same is hereby made perpetual.

Foreign Melasses and Syrups imported into the *British* Colonies to pay 3 *d. per* Gallon.

And be it further enacted by the Authority aforesaid, That in lieu and instead of the Rate and Duty imposed by the said Act upon Melasses and Syrups, there shall, from and after the said Twenty ninth Day of September, One thousand seven hundred and sixty four, be raised, levied, collected, and paid, unto His Majesty, His Heirs

Heirs and Succeſſors, for and upon every Gallon of Melaſſes or Syrups, being the Growth, Product, or Manufacture, of any Colony or Plantation in America, not under the Dominion of His Majeſty, His Heirs or Succeſſors, which ſhall be imported or brought into any Colony or Plantation in America, which now is, or hereafter may be, under the Dominion of His Majeſty, His Heirs or Succeſſors, the Sum of Three Pence.

The Duties on the enumerated Goods here mentioned to be raiſed and paid as by the recited Act of 6 *Geo.* II.

And it is hereby further enacted by the Authority aforeſaid, That the ſaid Rates and Duties hereby charged upon ſuch Foreign White or Clayed Sugars, Foreign Indico, Foreign Coffee, Wines, Wrought Silks, Bengals, and Stuffs, mixed with Silk or Herba, Callico, Cambricks, French Lawns, and Foreign Melaſſes or Syrups, imported into any Britiſh American Colony or Plantation, ſhall be raiſed, levied, collected, and paid, in the ſame Manner and Form, and by ſuch Rules, Ways, and Means, and under ſuch Penalties and Forfeitures (not otherwiſe altered by this Act) as are mentioned and expreſſed in the ſaid Act of Parliament, made in the Sixth Year of the Reign of His late Majeſty King George the Second, with reſpect to the raiſing, levying, collecting, and Payment, of the Rates and Duties thereby granted; and that the aforeſaid Duties hereby charged upon Britiſh Coffee and Pimento, exported from any Britiſh Colony or Plantation, ſhall be raiſed, levied, collected, and paid, in the ſame Manner and Form, and by ſuch Rules, Ways, and Means, and under ſuch Penalties and Forfeitures, as are mentioned and referred unto in an Act of Parliament, made in the Twenty fifth Year of the Reign of King Charles the Second, intituled, An Act for the Encouragement of the *Greenland* and *Eaſtland* Trades, and for the better ſecuring the Plantation Trade, with reſpect to the raiſing, levying, collecting, and Payment, of the Rates and Duties thereby granted upon the ſeveral Goods therein particularly enumerated: And that all Powers, Penalties, Proviſions, Articles, and Clauſes, in thoſe Acts reſpectively contained and referred unto (except in ſuch Caſes where any Alteration is made by this Act) ſhall be obſerved, applied, practiſed, and put in Execution, for the raiſing, levying, collecting, and anſwering, the reſpective Rates and Duties granted by this Act, as fully and effectually, as if the ſame were particularly and at large re-enacted in the Body of this preſent Act, and applied to the Rates and Duties hereby impoſed; and as fully and effectually, to all Intents and Purpoſes, as the ſame could have been at any Time put in Execution, for the

Thoſe upon Coffee and Pimento, as by Act 25 *Car.* II.

like Purposes, with respect to the Rates and Duties granted by the said former Acts.

Importer refusing to pay the Duties on Wines, Officer may seize the same,

Provided always, and it is hereby further enacted by the Authority aforesaid, That if the Importer of any Wines shall refuse to pay the Duties hereby imposed thereon, it shall and may be lawful for the Collector, or other proper Officer of the Customs where such Wines shall be imported, and he is hereby respectively required to take and secure the same, with the Casks or other Package thereof, and to cause the same to be publickly sold, within the Space of Twenty Days at the most after such Refusal made, and at such Time and Place as such Officer shall, by Four or more Days publick Notice, appoint for that Purpose; which Wine shall be sold to the best Bidder, and the Money arising by the Sale thereof shall be applied, in the First Place, in Payment of the said Duties, together with the Charges that shall have been occasioned by the said Sale; and the Overplus, if any, shall be paid to such Importer, or any other Person authorized to receive the same.

and publickly sell them to the best Bidder,

and deduct the Duties and Charges.

If they shall not bring sufficient to pay the Duty and Charges, they are to be staved and spilt.

Provided also, That if the Money offered for the Purchase of such Wine, shall not be sufficient to discharge the Duty and Charges aforesaid, then, and in every such Case, the Collector, or other proper Officer, shall cause the Wine to be staved, spilt, or otherwise destroyed, and shall return the Casks or other Package wherein the same was contained to such Importer.

Limited Length and Breadth of Callicoes,

And it is hereby declared and enacted, That every Piece of Callico intended to be charged with the Duty herein before-mentioned, if of the Breadth of One Yard and a Quarter or under, shall not exceed in Length Ten Yards; and if above that Breadth, shall not exceed Six Yards in Length; and that every Piece of Cambrick and French Lawn shall contain Thirteen Ells each, and shall pay Duty for the same in those Proportions for any greater or lesser Quantity, according to the Sum herein before charged upon each Peice of such Goods respectively.

and of Cambricks, and *French* Lawns.

Monies arising by the several Duties before granted;

And it is hereby further enacted by the Authority aforesaid, That all the Monies which, from and after the Twenty ninth Day of September, One thousand seven hundred and sixty four, shall arise by the several Rates and Duties herein before granted; and also by the Duties which, from and after the said Twenty ninth Day of September, One thousand seven hundred and sixty four, shall be raised upon Sugars and Paneles, by virtue of the said Act made in the Sixth Year of the Reign

and upon Sugars, &c.

of his said late Majesty King George the Second (except the necessary Charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same) shall be paid into the Receipt of His Majesty's Exchequer, and shall be entered separate and apart from all other Monies paid or payable to His Majesty, His Heirs or Successors; and shall be there reserved, to be, from time to time, disposed of by Parliament, towards defraying the necessary Expences of defending, protecting, and securing, the British Colonies and Plantations in America.

to be paid into the Exchequer;

and to be reserved towards defraying the Charges of protecting the *British* Colonies in *America*.

And it is hereby further enacted by the Authority aforesaid, That from and after the Tenth Day of September, One thousand seven hundred and sixty four, upon the Exportation of any Sort of Wine (except French Wines) from this Kingdom to any British Colony or Plantation in America, as Merchandize, the Exporter shall be paid, in lieu of all former Drawbacks, a Drawback or Allowance of all the Duties paid upon the Importation of such Wine, except the Sum of Three Pounds Ten Shillings per Ton, Part of the additional Duty of Four Pounds per Ton, granted by an Act made in the last Session of Parliament (intituled, An Act for granting to His Majesty several additional Duties upon Wines imported into this Kingdom, and certain Duties upon all Cyder and Perry, and for raising the Sum of Three millions five hundred thousand Pounds, by way of Annuities and Lotteries, to be charged on the said Duties) and also except such Part of the Duties paid upon Wines imported by Strangers or Aliens, or in Foreign Ships, as exceeds what would have been payable upon such Wines, if the same had been imported by British Subjects and in British Ships; any Law, Custom, or Usage, to the contrary notwithstanding; which Drawback or Allowance shall be made in such Manner, and under such Rules, Regulations, Penalties, and Forfeitures, in all Respects, as any former Drawback or Allowance, payable out of the Duties of Customs upon the Exportation of such Wine, was, could, or might be made, before the passing of this Act.

Exporter of Wines from this Kingdom to the *British* Colonies in *America*,

to be paid a Drawback of the Duties on Importation; except 3*l.* 10*s.* *per* Ton, granted by an Act of the last Session;

and also the Aliens Duty;

Provided always, and it is hereby further enacted, That upon the Entry of any such Wine for Exportation to any British Colony or Plantation in America, and before any Debenture shall be made out for allowing the Drawback thereon, the Exporter shall give Bond, with sufficient Security, to his Majesty, his Heirs and Successors, to be approved of by the Collector, or other

He first giving Bond and Security

principal Officer of the Customs at the Port of Exportation, in Treble the Amount of the Drawback payable for the Goods, that the same, and every Part thereof, shall (the Dangers of the Seas and Enemies excepted) be really and truly exported to, and landed in, some British Colony or Plantation in America, and that the same shall not be exported, or carried to any other Place or Country whatsoever, nor relanded in any Part of Great Britain, Ireland, or the Islands of Guernsey, Jersey, Alderney, Sark, or Man, or either of them: And such Bonds shall not be delivered up nor discharged, until a Certificate shall be produced, under the Hands and Seals of the Collector or other principal Officer of the Customs at the Port or Place where such Goods shall be landed, testifying the Landing thereof: And the Condition of such Bond shall be, to produce such Certificate in Eighteen Months from the Date of the Bonds (the Dangers of the Seas and Enemies excepted).

for the due Exportation and Landing of the same;

conditioned to produce a Certificate thereof from the proper Officer, within 18 Months.

No Part of the *Old Subsidy* to be repaid for any Foreign Goods exported as aforesaid;

And it is hereby further enacted by the Authority aforesaid, That from and after the First Day of May, One thousand seven hundred and sixty four, no Part of the Rate or Duty, commonly called The Old Subsidy, shall be repaid or drawn back for any Foreign Goods of the Growth, Production, or Manufacture, of Europe, or the East Indies, which shall be exported from this Kingdom to any British Colony or Plantation in America (Wines, White Callicoes, and Muslins, only excepted); any Law, Custom, or Usage, to the contrary notwithstanding.

except for Wines, White Callicoes, and Muslins:

And upon the Exportation of White Callicoes or Muslins, neither the Moiety of the *Old Subsidy*,

And it is hereby further enacted by the Authority aforesaid, That from and after the Tenth Day of September, One thousand seven hundred and sixty four, upon the Exportation of any Sort of White Callicoes or Muslins, except as herein after is mentioned, from this Kingdom to any British Colony or Plantation in America, besides the One Half of the Rate or Duty commonly called The Old Subsidy, which now remains, and is not drawn back for the same, there also shall not be repaid or drawn back the further Sum of Four Pounds Fifteen Shillings for every Hundred Pounds of the true and real Value of such Goods, according to the Gross Price at which they were sold at the Sale of the United Company of Merchants trading to the East Indies, being the Third Part of the Net Duties granted thereon respectively by Two several Acts of Parliament, the One made in the Eleventh and Twelfth Year of the Reign of King William the Third, intituled, An Act for laying further Duties upon Wrought Silks,

nor the Third Part of the Net Duties thereon, granted by

Act 11 and 12 *Will.* III.

Muſlins, and ſome other Commodities of the *Eaſt Indies*, and for enlarging the Time for purchaſing certain reverſionary Annuities therein mentioned; and the other made in the Third and Fourth Year of the Reign of Queen Anne, intituled, An Act for continuing Duties upon Low Wines, and upon Coffee, Tea, Chocolate, Spices, and Pictures, and upon Hawkers, Pedlars, and Petty Chapmen, and upon Muſlins; and for granting new Duties upon ſeveral of the ſaid Commodities, and alſo upon Callicoes, China-ware, and Drugs; any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

and 3 & 4 *Annæ*. ſhall be repaid;

Provided always, and be it further enacted by the Authority aforeſaid, That until the Firſt Day of March, One thouſand ſeven hundred and ſixty five, upon the Exportation from this Kingdom, to any Britiſh Colony or Plantation in America, of ſuch White Callicoes or Muſlins only as were ſold on or before the Twenty fifth Day of March, One thouſand ſeven hundred and ſixty four, at the Sale of the United Company of Merchants trading to the Eaſt Indies, ſuch and the ſame Drawbacks ſhall be allowed as are now payable upon the Exportation of the ſaid Goods.

but until 1 *March*, 1765, upon Exportation of ſuch White Callicoes and Muſlins as were ſold on or before 25 *March* preceding, at the *India Houſe*, the ſame Drawbacks ſhall be allowed as are now payable.

And be it further enacted by the Authority aforeſaid, That if any Merchant or other Perſon ſhall, from and after the ſaid Firſt Day of May, One thouſand ſeven hundred and ſixty four, enter any Goods for Exportation to Parts beyond the Seas, other than to the ſaid Britiſh Colonies or Plantations in America, in order to obtain any Drawback not allowed by this Act upon the Exportation of ſuch Goods to the ſaid Britiſh Colonies or Plantations, and the ſaid Goods ſhall nevertheleſs be carried to any Britiſh Colony or Plantation in America, and landed there, contrary to the true Intent and Meaning hereof, that then, and in ſuch Caſe, the Drawback ſhall be forfeited, and the Exporter of ſuch Goods, and the Maſter of the Ship or Veſſel on Board which the ſame were loaden and exported, ſhall forfeit Double the Amount of the Drawback paid or to be paid for the ſame, and alſo Treble the Value of the ſaid Goods.

Where Goods entered for Exportation to Parts beyond the Seas, in order to obtain a Drawback not allowed by this Act, ſhall be carried to any *Britiſh* Plantation in *America*,

ſuch Drawback ſhall be forfeited, and Double the Amount thereof; with Treble the Value of the Goods.

And it is further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of May, One thouſand ſeven hundred and ſixty four, if any Goods, not allowed to draw back any Part of the Old Subſidy, or any other Duty by this Act, ſhall be entered for Exportation from this Kingdom to any other Place beyond the Seas, except to ſome Britiſh Colony or Plantation

Addition to the Oath upon Debentures, for ſuch Goods as ſhall be entered for Exportation to other Places beyond the Seas, than to the *Britiſh American* Plantations.

Plantation in America, in every Case where the Exporter is required, by any Law now in Force, to swear that such Goods are not landed or intended to be landed in Great Britain, Ireland, or the Isle of Man, there shall also be added to, and included in, the Oath upon the Debenture for such Goods, "any *British* Colonies or "Plantations in *America*."

Foreign Rum or Spirits imported into any of the *British* Plantations in *America*,

And be it further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and sixty four, no Rum or Spirits of the Produce or Manufacture of any of the Colonies or Plantations in America, not in the Possession or under the Dominion of His Majesty, His Heirs or Successors, shall be imported or brought into any of the Colonies or Plantations in America which now are, or hereafter may be, in the Possession or under the Dominion of His Majesty, His Heirs or Successors, upon Forfeiture of all such Rum or Spirits, together with the Ship or Vessel in which the same shall be imported, with the Tackle, Apparel, and Furniture thereof; to be seized by any Officer or Officers of His Majesty's Customs, and prosecuted in such Manner and Form as herein after is expressed; any Law, Custom, or Usage, to the contrary notwithstanding.

liable to be forfeited, together with Vessel, &c.

No Sugars may be imported into *Ireland*, but such as shall be shipped in *Great Britain*, and carried directly from thence.

And it is hereby further enacted and declared by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and sixty four, nothing in the before-recited Act made in the Sixth Year of the Reign of His late Majesty King George the Second, or any other Act of Parliament, shall extend, or be construed to extend, to give Liberty to any Person or Persons whatsoever to import into the Kingdom of Ireland, any Sort of Sugars, but such only as shall be fairly and bona fide loaden and shipped in Great Britain, and carried directly from thence in Ships navigated according to Law.

Exporter of Rum, Spirits, Paneles, Molasses or Syrups, from the *British* Colonies in *America*, as of the Growth thereof,

And, for the better preventing Frauds in the Importation of Foreign Sugars and Paneles, Rum and Spirits, Molasses and Syrups, into any of His Majesty's Dominions, under Pretence that the same are the Growth, Produce, or Manufacture, of the British Colonies or Plantations, it is further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and sixty four, every Person or Persons loading on Board any Ship or Vessel, in any of the British Colonies or Plantations in America, any Rum or Spirits, Sugars or Paneles, Molasses or Syrups, as of the

Growth, Product, or Manufacture, of any British Colony or Plantation, shall, before the clearing out of the said Ship or Vessel, produce and deliver to the Collector or other Principal Officer of the Customs at the Loading Port, an Affidavit signed and sworn to before some Justice of the Peace in the said British Colonies or Plantations, either by the Grower, Maker, or Shipper, of such Goods, or his or their known Agent or Factor, expressing, in Words at Length and not in Figures, the Quality of the Goods so shipped, with the Number and Denomination of the Packages, and describing the Name or Names of the Plantation or Plantations, and the Name of the Colony where the same grew or were produced and manufactured; which Affidavit shall be attested, under the Hand of the said Justice of the Peace, to have been sworn to in his Presence; who is hereby required to do the same without Fee or Reward: And the Collector or other Principal Officer of the Customs to whom such Affidavit shall be delivered, shall thereupon grant to the Master, or other Person having the Charge of the Ship or Vessel, a Certificate under his Hand and Seal of Office (without Fee or Reward) of his having received such Affidavit pursuant to the Directions of this Act; which Certificate shall express the Quality of the Goods shipped on Board such Ship or Vessel, with the Number and Denomination of the Packages: And such Collector or other Principal Officer of the Customs shall also (without Fee or Reward) within Thirty Days after the Sailing of the Ship or Vessel, transmit an exact Copy of the said Affidavit to the Secretary's Office for the respective Colony or Plantation where the Goods were shipped, on Forfeiture of Five Pounds.

to produce and deliver to the proper Officer before clearing; an Affidavit of the Quality of the Goods, and Denomination of the Packages, &c.

Officer to grant the Master of the Vessel a Certificate thereof;

and to transmit a Copy of such Affidavit to the Secretary's Office for the Colony, on Penalty of 5 *l.*

And it is further enacted, That upon the Arrival of such Ship or Vessel into the Port of her Discharge, either in Great Britain or any other Port of His Majesty's Dominions, where such Goods may be lawfully imported, the Master or other Person taking the Charge of the Ship or Vessel shall, at the Time he makes his Report of his Cargo, deliver the said Certificate to the Collector or other Principal Officer of the Customs, and make Oath before him, that the Goods so reported are the same that are mentioned in the said Certificate, on Forfeiture of One hundred Pounds; and if any Rum or Spirits, Sugars or Paneles, Molasses or Syrups, shall be imported or found on Board any such Ship or Vessel, for which no such Certificate shall be produced, or which shall not agree therewith, the same shall be deemed and taken to be Foreign Rum and Spirits,

On Arrival of the Vessel at the Port of Discharge, the Master is to deliver the Certificate to the proper Officer, and make Oath of the Identity of the Goods, on Penalty of 100 *l.*

and Goods found on Board not certified for, &c.

are to pay Foreign Duties.

Sugar and Paneles, Molaſſes and Syrups, and ſhall be liable to the ſame Duties, Reſtrictions, Regulations, Penalties, and Forfeitures, in all Reſpects, as Rum, Spirits, Sugar, Paneles, Molaſſes, and Syrups, of the Growth, Produce, or Manufacture, of any Foreign Colony or Plantation, would reſpectively be liable to by Law.

Where any ſuch Goods, not included in the Certificate, ſhall be imported without intending a Fraud, they may be admitted to Entry, paying the uſual Duties.

Provided always, That if any Rum or Spirits, Sugar or Paneles, Molaſſes or Syrups, ſhall be imported into Great Britain from any Britiſh Colony or Plantation in America, without being included in ſuch Certificate as is herein before directed, and it ſhall be made to appear, to the Satisfaction of the Commiſſioners of His Majeſty's Cuſtoms at London or Edinburgh reſpectively, that the Goods are really and truly the Produce of ſuch Britiſh Plantation or Colony, and that no Fraud was intended, it ſhall and may in ſuch Caſe be lawful for the ſaid reſpective Commiſſioners to permit the ſaid Goods to be entered, upon Payment of the like Duties as ſuch Goods would be liable to if this Law had not been made.

Clauſe in Act 12 *Car.* II.

And whereas by an Act of Parliament made in the Twelfth Year of the Reign of King Charles the Second, intituled, An Act for encouraging and increaſing of Shipping and Navigation, and ſeveral ſubſequent Acts of Parliament which are now in Force, it is, amongſt other Things, directed, that for every Ship or Veſſel that ſhall load any Commodities, in thoſe Acts particularly enumerated, at any Britiſh Plantation, being the Growth, Product, or Manufacture thereof, Bonds ſhall be given with One Surety, to the Value of One thouſand Pounds, if the Ship be of leſs Burthen than One hundred Tons, and of the Sum of Two thouſand Pounds, if the Ship be of greater Burthen, that the ſame Commodities ſhall be brought by ſuch Ship or Veſſel to ſome other Britiſh Plantation, or to ſome Port in Great Britain; notwithſtanding which, there is great Reaſon to apprehend ſuch Goods are frequently carried to Foreign Parts, and landed there: And whereas great Quantities of Foreign Molaſſes and Syrups are clandeſtinely run on Shore in the Britiſh Colonies, to the Prejudice of the Revenue, and the great Detriment of the Trade of this Kingdom, and it's American Plantations: To remedy which Practices for the future, be it further enacted by the Authority aforeſaid, That from and after the Twenty ninth Day of September, One thouſand ſeven hundred and ſixty four, Bond and Security, in the like Penalty, ſhall alſo be given to the Collector or other

Bond and Security to be given purſuant to the recited Act,

principal Officer of the Customs at any Port or Place in any of the British American Colonies or Plantations, with One Surety besides the Master of every Ship or Vessel that shall lade or take on Board there any Goods not particularly enumerated in the said Acts, being the Product or Manufacture of any of the said Colonies or Plantations, with Condition, that, in case any Molasses or Syrups, being the Produce of any of the Plantations not under the Dominion of his Majesty, his Heirs or Successors, shall be laden on Board such Ship or Vessel, the same shall (the Danger of the Seas and Enemies excepted) be brought, without Fraud or wilful Diminution, by the said Ship or Vessel to some of his Majesty's Colonies or Plantations in America, or to some Port in Great Britain; and that the Master or other Person having the Charge of such Ship or Vessel, shall, immediately upon his Arrival at every Port or Place in Great Britain, or in the British American Colonies and Plantations, make a just and true Report of all the Goods laden on Board such Ship or Vessel under their true and proper Denominations; and if any such Non-enumerated Goods shall be laden on Board any such Ship or Vessel before such Bond shall be given, the Goods so laden together with the Ship or Vessel and her Furniture shall be forfeited, and shall and may be seized by any Officer of the Customs, and prosecuted in the Manner herein after directed.

in case of lading any enumerated Goods, that any Foreign Molasses and Syrups, on Board,

shall be brought to some of the *British* Plantations in *America*, or to *Great Britain*;

of which Report is to be made at the Port of Arrival.

Non-enumerated Goods laden on Board without Bond given, are forfeited, with the Vessel.

And it is hereby further enacted by the Authority aforesaid, That every Master or Person having the Charge of any Ship or Vessel shall, before he departs from any British Colony or Plantation where he receives his Lading, take a Certificate under the Hands and Seals of the Collector or other Principal Officer of the Customs there (which Certificate such Officers are hereby required to grant without Fee or Reward) that Bond hath been given, pursuant to the Directions of this or any other Act of Parliament, as the Case shall require; and the Master or Person having the Charge of such Ship or Vessel, shall keep such Certificate in his Custody till the Voyage is compleated, and shall then deliver the same up to the Collector or other Chief Officer of the Customs at the Port or Place where he shall discharge his Lading, either in Great Britain or any British American Colony or Plantation, on Forfeiture of One hundred Pounds for each and every Offence.

Master, before sailing from the Port of Lading, is to take a Certificate of his having given Bond,

which, upon compleating his Voyage, he is to deliver up at the Port of Discharge, on Penalty of 100 *l.*

And it is hereby further enacted, That if any British Ship or Vessel laden, as aforesaid, with any Goods of the Produce or Manufacture of any British Colony or Plantation

British Vessels with any *British American* Goods,

or Foreign Molaſſes or Syrups, diſcovered near the *Britiſh American* Coaſts,

Plantation in America, or having on Board any Molaſſes or Syrups the Produce of any Foreign Colony or Plantation, ſhall be diſcovered by any Officer of His Majeſty's Cuſtoms within Two Leagues of the Shore

not producing a Certificate as required by Law;

of any Britiſh Colony or Plantation in America, and the Maſter or Perſon taking Charge of ſuch Ship or Veſſel ſhall not produce a Certificate that Bond has been given, purſuant to the Directions of this or any other

or not producing one at the Port of Arrival,

Act of Parliament, as the Caſe may require; or if he ſhall not produce ſuch Certificate to the Collector or other Chief Officer of the Cuſtoms where he ſhall arrive, either in Great Britain or any Britiſh American Colony or

are liable to be forfeited.

Plantation, ſuch Ship or Veſſel, with her Tackle, Apparel, and Furniture, and all the Goods therein laden, ſhall be forfeited, and ſhall and may be ſeized and proſecuted as herein after is directed.

Bond for Non-enumerated Goods to be in Force for 1 Year after the Voyage;

And it is hereby further enacted by the Authority aforeſaid, That the ſaid Bond directed to be given by this Act, with reſpect to ſuch Non-enumerated Goods, ſhall continue in Force for One Year from and after the

when, if no Fraud appear, it is to be given up.

Completion of the Voyage; and in caſe no Fraud ſhall appear within that Time, it ſhall be lawful for the Commiſſioners of His Majeſty's Cuſtoms, or any Four or more of them, to direct the ſaid Bond to be delivered up.

Coffee, and other enumerated Goods of the *Britiſh American* Plantations, to be imported under like Securities and Penalties,

And it is hereby further enacted by the Authority aforeſaid, That from and after the Twenty ninth Day of September, One thouſand ſeven hundred and ſixty four, all Coffee, Pimento, Cocoa Nuts, Whale Fins, Raw Silk, Hides, and Skins, Pot and Pearl Aſhes, of the Growth, Production, or Manufacture, of any Britiſh Colony or Plantation in America, ſhall be imported directly from thence into this Kingdom, or ſome other Britiſh Colony or Plantation, under the like Securities, Penalties, and Forfeitures, as are particularly mentioned in Two Acts of Parliament made in the Twelfth and Twenty fifth Years of the Reign of King Charles the Second, the former intituled, An Act for the encouraging and increaſing of Shipping and Navigation, and the latter intituled, An Act for the Encouragement of the *Greenland* and Eaſtland Trades, and for the better ſecuring the Plantation Trade, or either of them, with reſpect to the Goods in thoſe Acts particularly enumerated; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding.

as thoſe in Acts 12 & 25 *Car.* II.

And it is hereby further enacted by the Authority aforeſaid, That from and after the Twenty ninth Day of September, One thouſand ſeven hundred and ſixty four,

no Iron, nor any Sort of Wood, commonly called Lumber, as specified in an Act passed in the Eighth Year of the Reign of King George the First, intituled, An Act for giving further Encouragement for the Importation of Naval Stores, and for other Purposes therein mentioned, of the Growth, Production, or Manufacture, of any British Colony or Plantation in America, shall be there loaden on Board any Ship or Vessel to be carried from thence, until sufficient Bond shall be given, with One Surety besides the Master of the Vessel, to the Collector or other principal Officer of the Customs at the Loading Port, in a Penalty of Double the Value of the Goods, with Condition, that the said Goods shall not be landed in any Part of Europe except Great Britain; which Bonds shall be discharged in the Manner hereafter mentioned; that is to say, For such of the said Goods as shall be entered for, or landed in, Great Britain, the Condition of the Bonds shall be, to bring a Certificate in discharge thereof within Eighteen Months from the Date of the Bond; and within Six Months for such of the said Goods as shall be entered for, or landed in, any of the British Colonies or Plantations in America; which respective Certificates shall be under the Hands and Seals of the Collector or other Principal Officer of the Customs resident at the Port or Place where such Goods shall be landed, testifying the Landing thereof; and for such of the said Goods as shall be entered for, or landed at, any other Place in America, Africa, or Asia, to bring the like Certificats within Twelve Months, under the Common Seal of the Chief Magistrate, or under the Hands and Seals of Two known British Merchants residing there; or such Bond or Bonds shall be discharged, in either of the said Cases, by Proof upon Oath made by credible Persons, that the said Goods were taken by Enemies, or perished in the Seas.

Bond and Security to be given before lading any Iron or Lumber of the *British American* Plantations,

conditioned to land the same, if for *Europe*, in *Great Britain*; and to produce a Certificate thereof within 18 Months; and

if for any of the *British American* Plantations, within 6 Months;

and if for any other Place in *America*, *Africa*, or *Asia*, within 12 Months.

Where the Goods perish, or are taken, the Bond is discharged.

And, for the better preventing Frauds in the Importation or Exportation of Goods that are liable to the Payment of Duties, or are prohibited, in the British Colonies or Plantations in America, it is further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and sixty four, no Goods, Wares, or Merchandizes, of any Kind whatsoever, shall be shipped or laden on Board any Ship or Vessel in any of the British Colonies or Plantations in America, to be carried from thence to any other British Colony or Plantation, without a Sufferance or Warrant first had and obtained from the Collector or other proper Officer of the Customs

No Goods to be shipped in one *British* Colony to be carried to another, without a Sufferance;

at the Port or Place where such Goods shall be intended to be put on Board; and the Master of every such Ship or Vessel shall, before the same be removed or carried out from the Port or Place where he takes in his Lading, take out a Cocket or Cockets expressing the Quantity and Quality of the Goods, and Marks of the Package, so laden, with the Merchants Names by whom shipped and to whom consigned; and if they are Goods that are liable to the Payment of any Duty, either upon the Importation into, or upon the Exportation from, the said Colonies or Plantations, the said Cocket or Cockets shall likewise distinctly specify that the Duties have been paid for the same, referring to the Times or Dates of Entry and Payment of such Duties, and by whom they were paid; which Cocket or Cockets shall be produced by the Master of such Ship or Vessel, to the Collector or other Principal Officer of the Customs at the Port or Place where such Ship or Vessel shall arrive in any of the British Colonies or Plantations in America, before any Part of the Goods are unladen or put on Shore: And if any Goods or Merchandizes shall be shipped as aforesaid without such Sufferance, or the Vessel shall depart and proceed on her Voyage without such Cocket or Cockets, or the Goods shall be landed or put on Shore before such Cocket or Cockets are produced at the Port or Place of Discharge, or if the Goods do not agree in all Respects therewith, the Goods, in any or either of those Cases, shall be forfeited and lost; and any Officer of His Majesty's Customs is hereby impowered to stop any such Ship or Vessel, bound as aforesaid, which shall be discovered within Two Leagues of the Shore of any of the said British Colonies or Plantations in America, and to seize and take from thence all the Goods which shall be found on Board such Ship or Vessel for which no such Cocket or Cockets shall be produced to him.

and taking out a proper Cocket;

which is to be produced at the Port of Discharge;

on Forfeiture of the Goods.

Goods also to be forfeited if they do not agree with the Cocket.

Vessel discovered near the Coast may be stopt; and the Goods, for which no Cocket is produced, may be seized.

And whereas British Vessels arriving from Foreign Parts at several of the Out Ports of this Kingdom, fully or in Part laden Abroad with Goods that are pretended to be destined to some Foreign Plantation, do frequently take on Board some small Parcels of Goods in this Kingdom which are entered outwards for some British Colony or Plantation, and a Cocket and Clearance thereupon granted for such Goods, under Cover of which the whole Cargoes of such Vessels are clandestinely landed in the British American Dominions, contrary to several Acts of Parliament now in Force, to the great Prejudice of the Trade and Revenue of

this Kingdom; for Remedy whereof, be it further enacted by the Authority aforesaid, That from and after the First Day of May, One thousand seven hundred and sixty four, no Ship or Vessel shall, upon any Pretence whatsoever, be cleared outwards from any Port of this Kingdom, for any Land, Island, Plantation, Colony, Territory, or Place, to His Majesty belonging, or which shall hereafter belong unto or be in the Possession or under the Dominion of His Majesty, His Heirs, or Successors, in America, unless the whole and entire Cargo of such Ship or Vessel shall be bona fide, and without Fraud, laden and shipped in this Kingdom; and any Officer of His Majesty's Customs is hereby impowered to stop any British Ship or Vessel arriving from any Part of Europe, which shall be discovered within Two Leagues of the Shore of any of the said British Colonies or Plantations in America, and to seize and take from thence, as forfeited, any Goods (except as herein after mentioned) for which the Master or other Person taking the Charge of such Ship or Vessel shall not produce a Cocket or Clearance from the Collector or proper Officer of His Majesty's Customs, certifying that the said Goods were laden on Board the said Ship or Vessel in some Port of Great Britain.

No Vessel to be cleared out for any of the *British* Colonies in *America*, unless the whole Cargo be shipped in this Kingdom;

and where any *European* Vessel is discovered near such Coasts, the Goods for which no such Cocket is produced, may be seized;

Provided always, That this Act shall not extend, nor be construed to extend, to forfeit, for want of such Cocket or Clearance, any Salt laden in Europe for the Fisheries in New England, Newfoundland, Pensylvania, New York, and Nova Scotia, or any other Place to which Salt is or shall be allowed by Law to be carried; Wines laden in the Madieras, of the Growth thereof; and Wines of the Growth of the Western Islands, or Azores, and laden there; nor any Horses, Victuals, or Linen Cloth, of and from Ireland, which may be laden on Board such Ships or Vessels.

Salt,

Madeira Wines, &c.

Horses, Provisions, or Linens from *Ireland*, excepted.

And it is hereby further enacted, That if any Person or Persons shall counterfeit, rase, alter, or falsify, any Affidavit, Certificate, Sufferance, Cocket, or Clearance, required or directed by this Act, or shall knowingly or willingly make use of any Affidavit, Certificate, Sufferance, Cocket, or Clearance, so counterfeited, rased, altered, or falsified, such Person or Persons shall, for every such Offence, forfeit the Sum of Five hundred Pounds; and such Affidavit, Certificate, Sufferance, Cocket, or Clearance, shall be invalid and of no Effect.

Penalty on counterfeiting, &c. any Affidavit or Certificate, 500 *l.* &c.

And whereas by an Act of Parliament, made in the Ninth Year of the Reign of His late Majesty King George the Second, intituled, An Act for indemnifying

Clauses in Act 9 *Geo.* II.

Persons

Persons who have been guilty of Offences against the Laws made for securing the Revenue of Customs and Excise, and for enforcing those Laws for the future, and by other Acts of Parliament since made, which are now in Force, in order to prevent the clandestine Landing of Goods in this Kingdom from Vessels which hover upon the Coasts thereof, several Goods and Vessels, in those Laws particularly mentioned and described, are declared to be forfeited, if such Vessels are found at Anchor, or hovering within Two Leagues of the Shore of this Kingdom, without being compelled thereto by Necessity or Distress of Weather; which Laws have been found very beneficial to the publick Revenue: And whereas, if some Provision of that Sort was extended to His Majesty's American Dominions, it may be a Means of preventing an illicit Trade therewith, and

12 *Car.* II. and tend to enforce an Act made in the Twelfth Year of the Reign of King Charles the Second, intituled, An Act for the encouraging and increasing of Shipping and Navigation, and another Act made in the Seventh and

7 & 8 *Will.* III. Eighth Year of the Reign of King William the Third, intituled, An Act for preventing Frauds, and regulating Abuses in the Plantation Trade, so far as those Laws do prohibit any Goods or Commodities to be imported into or exported out of any British Colony or Plantation in America, in any Foreign Ship or Vessel; to which End

Foreign Vessels found at Anchor, or hovering on the Coasts of any of the *British American* Dominions,

therefore, be it enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and sixty four, if any Foreign Ship or Vessel whatsoever shall be found at Anchor, or hovering within Two Leagues of the Shore of any Land, Island, Plantation, Colony, Territory, or Place, which shall or may be in the Possession or under the Dominion of His Majesty, His Heirs or Successors, in America, and shall not depart from the Coast, and

and not departing, unless distressed, within 48 Hours after Notice,

proceed upon her Voyage to some Foreign Port or Place, within Forty eight Hours after the Master or other Person taking the Charge of such Ship or Vessel shall be required so to do by any Officer of His Majesty's Customs, unless in case of unavoidable Necessity and Distress of Weather, such Ship or Vessel, with all the

are liable to be forfeited, together with the Goods.

Goods therein laden, shall be forfeited and lost, whether Bulk shall have been broken or not; and shall and may be seized and prosecuted by any Officer of His Majesty's Customs, in such Manner and Form as herein after is expressed.

Provided always, That nothing herein contained shall extend, or be construed to extend, to any Ship or Vessel belonging

belonging to the Subjects of the French King, which shall be found fishing, and not carrying on any illicit Trade, on that Part of the Island of Newfoundland, which stretches from the Place called Cape Bonavista to the Northern Point of the said Island, and from thence running down to the Western Side, reaches as far as the Place called Point Riche.

Except *French* Fishing Vessels off *Newfoundland*.

And, in order to prevent any illicit Trade or Commerce between His Majesty's Subjects in America, and the Subjects of the Crown of France in the Islands of Saint Pierre and Miquelon, it is hereby further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and sixty four, if any British Ship or Vessel shall be found standing into, or coming out from, either of those Islands, or hovering or at Anchor within Two Leagues of the Coasts thereof, or shall be discovered to have taken any Goods or Merchandizes on Board at either of them, or to have been there for that Purpose; such Ship or Vessel, and all the Goods so taken on Board there, shall be forfeited and lost, and shall and may be seized and prosecuted by any Officer of His Majesty's Customs; and the Master or other Person having the Charge of such Ship or Vessel, and every Person concerned in taking any such Goods on Board, shall forfeit Treble the Value thereof.

British Vessels found standing into, or coming out from the Isles of *St. Pierre* and *Miquelon*, or hovering, &c. on the Coasts, or with Goods on Board from thence, &c. are forfeited, together with the Goods; and the Master, &c. forfeits also Treble Value.

And, to prevent the concealing any Goods in false Packages, or private Places, on Board any Ship or Vessel arriving at any of the British Colonies or Plantations in America, with Intent to their being clandestinely landed there, be it further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and sixty four, all Goods which shall be found concealed in any Place whatsoever on Board any such Ship or Vessel, at any Time after the Master thereof shall have made his Report to the Collector or other proper Officer of the Customs, and which shall not be comprized or mentioned in the said Report, shall be forfeited and lost, and shall and may be seized and prosecuted by any Officer of the Customs; and the Master or other Person having the Charge or Command of such Ship or Vessel (in case it can be made appear, that he was any wise consenting or privy to such Fraud or Concealment) shall forfeit Treble the Value of the Goods so found.

Concealed Goods found on Board, after Report made by the Master, and not comprised in his Report, are forfeited; and the Master, being privy to the Fraud, forfeits Treble the Value.

And it is hereby further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and sixty four,

If customed Goods be either laden on Board, or landed, before the Duties are paid,

or prohibited Goods be imported into, or exported out of, any of the *British* Colonies in *America*,

the Persons concerned therein forfeit Treble the Value;

together with the Boats, Carriages, and Cattle employed.

if any Goods or Merchandizes whatsoever, liable to the Payment of Duties in any British Colony or Plantation in America by this or any other Act of Parliament, shall be loaden on Board any Ship or Vessel outward bound, or shall be unshipped or landed from any Ship or Vessel inward bound, before the respective Duties due thereon are paid, agreeable to Law; or if any prohibited Goods whatsoever shall be imported into, or exported out of, any of the said Colonies or Plantations, contrary to the true Intent and Meaning of this or any other Act of Parliament; every Person who shall be assisting, or otherwise concerned, either in the loading outwards, or in the unshipping or landing inwards, such Goods, or to whose Hands the same shall knowingly come after the loading or unshipping thereof, shall, for each and every Offence, forfeit Treble the Value of such Goods, to be estimated and computed according to the best Price that each respective Commodity bears at the Place where such Offence was committed; and all the Boats, Horses, Cattle, and other Carriages whatsoever, made use of in the loading, landing, removing, carriage, or conveyance of any of the aforesaid Goods, shall also be forfeited and lost, and shall and may be seized and prosecuted, by any Officer of His Majesty's Customs, as herein after mentioned.

Officer receiving any Bribe, &c.

conniving at a false Entry; making a collusive Seizure; or guilty of other Fraud in his Office;

forfeits 500 *l.* and is disabled:

And it is hereby further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and sixty four, if any Officer of His Majesty's Customs shall, directly or indirectly, take or receive any Bribe, Recompence, or Reward, in any Kind whatsoever; or connive at any false Entry, or make any collusive Seizure or Agreement; or do any other Act or Deed whatsoever by which His Majesty, His Heirs or Successors, shall or may be defrauded in His or Their Duties, or whereby any Goods prohibited shall be suffered to pass either inwards or outwards, or whereby the Forfeitures and Penalties inflicted by this or any other Act of Parliament relating to His Majesty's Customs in America may be evaded; every such Officer therein offending shall, for each and every Offence, forfeit the Sum of Five hundred Pounds, and be rendered incapable of serving His Majesty in any Office or Employment Civil or Military: And if any Person or Persons whatsoever shall give, offer, or promise to give, any Bribe, Recompence, or Reward, to any Officer of the Customs, to do, conceal, or connive at, any Act, whereby any of the Provisions made by this or any other Act of Parliament relating to His Majesty's Customs in America may be evaded or broken,

And Persons giving, or promising, any Bribe, &c. to such Officer, in order to betray his Trust,

every such Person or Persons shall, for each and every such Offence (whether the same Offer, Proposal, or Promise, be accepted or performed, or not) forfeit the Sum of Fifty Pounds. forfeit 50 *l.*

And whereas by an Act of Parliament made in the Seventh and Eighth Year of the Reign of King William the Third, intituled, An Act for preventing Frauds, and regulating Abuses, in the Plantation Trade, all Governors or Commanders in Chief of any of His Majesty's Colonies or Plantations, are required to take a solemn Oath, to do their utmost that all the Clauses, Matters, and Things, contained in that Act, and several other Acts of Parliament therein referred to, relating to the said Colonies and Plantations, be punctually and bona fide observed, according to the true Intent and Meaning thereof: And whereas divers other good Laws have been since made, for the better regulating and securing the Plantation Trade: Be it further enacted by the Authority aforesaid, That all the present Governors or Commanders in Chief of any British Colony or Plantation shall, before the Twenty ninth Day of September, One thousand seven hundred and sixty four, and all who hereafter shall be made Governors or Commanders in Chief of the said Colonies or Plantations, or any of them, before their Entrance into their Government, shall take a solemn Oath, to do their utmost that all the Clauses, Matters, and Things, contained in any Act of Parliament heretofore made, and now in Force, relating to the said Colonies and Plantations, and that all and every the Clauses contained in this present Act, be punctually and bona fide observed, according to the true Intent and Meaning thereof, so far as appertains unto the said Governors or Commanders in Chief respectively, under the like Penalties, Forfeitures, and Disabilities, either for neglecting to take the said Oath, or for wittingly neglecting to do their Duty accordingly, as are mentioned and expressed in the said recited Act made in the Seventh and Eighth Year of the Reign of King William the Third; and the said Oath, hereby required to be taken, shall be administered by such Person or Persons as hath or have been, or shall be, appointed to administer the Oath required to be taken by the said Act made in the Seventh and Eighth Year of the Reign of King William the Third.

Clause in Act 7 & 8 *Will.* III.

Governors, or Commanders in Chief of the *British* Colonies, are to take an Oath for the due Execution of their Duty in this and all other Acts relating to the said Colonies, *&c.*

under the Penalties in the recited Act of 7 & 8 *Will.* III.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures herein before mentioned, which shall be incurred in Great Britain, shall and may be prosecuted, sued for, and recovered, in any

Penalties and Forfeitures incurred in *Great Britain* where to be recovered;

of

of His Majesty's Courts of Record at Westminster, or in the Court of Exchequer in Scotland, respectively; and (all necessary Charges for the Recovery thereof being first deducted) shall be divided and applied, One Moiety to and for the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Seizor or Prosecutor.

and how to be divided and applied.

The Money granted by this Act, and Act 25 *Car.* II. as Rates or Duties;

And it is hereby further enacted and declared, That from and after the Twenty ninth Day of September, One thousand seven hundred and sixty four, all Sums of Money granted and imposed by this Act, and by an Act made in the Twenty fifth Year of the Reign of King Charles the Second, intituled, An Act for the Encouragement of the *Greenland* and Eastland Trades, and for the better securing the Plantation Trade, as Rates or Duties; and also all Sums of Money imposed as Penalties or Forfeitures, by this or any other Act of Parliament relating to the Customs, which shall be paid, incurred, or recovered, in any of the British Colonies or Plantations in America; shall be deemed, and are hereby declared to be Sterling Money of Great Britain, and shall be collected, recovered, and paid, to the Amount of the Value which such Nominal Sums bear in Great Britain; and that such Monies shall and may be received and taken according to the Proportion and Value of Five Shillings and Six Pence the Ounce in Silver; and that all the Forfeitures and Penalties inflicted by this or any other Act or Acts of Parliament relating to the Trade and Revenues of the said British Colonies or Plantations in America, which shall be incurred there, shall and may be prosecuted, sued for, and recovered, in any Court of Record, or in any Court of Admiralty, in the said Colonies or Plantations where such Offence shall be committed, or in any Court of Vice Admiralty which may or shall be appointed over all America (which Court of Admiralty or Vice Admiralty are hereby respectively authorized and required to proceed, hear, and determine the same) at the Election of the Informer or Prosecutor.

and the Penalties and Forfeitures relating to the Customs, in *America*, are to be deemed Sterling Money of *Great Britain*,

at the Rate of 5 *s.* 6 *d.* *per* Ounce, in Silver.

Penalties and Forfeitures in *America*, may be recovered in the Courts of Record there,

or Court of Vice Admiralty;

and the Net Produce is to be paid,

One Third to the King,

And it is hereby further enacted, That all Penalties and Forfeitures so recovered there, under this or any former Act of Parliament, shall be divided, paid, and applied, as follows; that is to say; After deducting the Charges of Prosecution from the Gross Produce thereof, One Third Part of the Net Produce shall be paid into the Hands of the Collector of His Majesty's Customs at the Port or Place where such Penalties or Forfeitures shall be recovered, for the Use of His Majesty,

His Heirs and Succeſſors; One Third Part to the Governor or Commander in Chief of the ſaid Colony or Plantation; and the other Third Part to the Perſon who ſhall ſeize, inform, and ſue for the ſame; excepting ſuch Seizures as ſhall be made at Sea by the Commanders or Officers of His Majeſty's Ships or Veſſels of War duly authorized to make Seizures; One Moiety of which Seizures, and of the Penalties and Forfeitures recovered thereon, firſt deducting the Charges of Proſecution from the groſs Produce thereof, ſhall be paid as aforeſaid to the Collector of His Majeſty's Cuſtoms, to and for the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them who ſhall ſeize, inform, and ſue for the ſame; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding; ſubject nevertheleſs to ſuch Diſtribution of the Produce of the Seizures ſo made at Sea, as well with regard to the Moiety herein before granted to His Majeſty, His Heirs and Succeſſors, as with regard to the other Moiety given to the Seizor or Proſecutor, as His Majeſty, His Heirs and Succeſſors, ſhall think fit to order and direct by any Order or Orders of Council, or by any Proclamation or Proclamations, to be made for that Purpoſe.

One Third to the Governor, and One Third to the Proſecutor.

But Seizures made at Sea by the King's ſhips are to go,

One Moiety to the King, and the other to the Proſecutor;

ſubject nevertheleſs to ſuch Diſtribution, as His Majeſty by Order of Council, or Proclamation, ſhall make.

Provided always, and it is hereby further enacted by the Authority aforeſaid, That if the Produce of any Seizure made in America, ſhall not be ſufficient to anſwer the Expences of Condemnation and Sale; or if, upon the Trial of any Seizure of any Ship or Goods, a Verdict or Sentence ſhall be given for the Claimant, in either of thoſe Caſes, the Charges attending the ſeizing and proſecuting ſuch Ship or Goods ſhall and may, with the Conſent and Approbation of any Four of the Commiſſioners of His Majeſty's Cuſtoms, be paid out of any Branch of the Revenue of Cuſtoms ariſing in any of the Britiſh Colonies or Plantations in America, any thing in this or any other Act of Parliament to the contrary notwithſtanding.

Where the Seizure ſhall not anſwer the Expence of Condemnation and ſale,

or a Verdict be given for the Claimant,

the Charges, with Approbation of the Commiſſioners, may be defrayed out of the Cuſtoms in *America*.

And it is hereby further enacted by the Authority aforeſaid, That from and after the ſaid Twenty ninth Day of September, One thouſand ſeven hundred and ſixty four, no Perſon ſhall be admitted to enter a Claim to any Ship or Goods ſeized in purſuance of this or any other Act of Parliament, and proſecuted in any of the Britiſh Colonies or Plantations in America, until ſufficient Security be firſt given, by Perſons of known Ability, in the Court where ſuch Seizure is proſecuted, in the Penalty of Sixty Pounds, to anſwer the Coſts and Charges

No Claim to be admitted, till ſecurity to anſwer Coſts be given, to the Amount of 60 *l.* and

in Default, Ship and Goods to be condemned.

of Prosecution; and, in Default of giving such Security, such Ship or Goods shall be adjudged to be forfeited, and shall be condemned.

Where Ship or Goods are seized for any Cause of Forfeiture, the Owner is to prove the Matter in Dispute.

And it is hereby further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and sixty four, if any Ship or Goods shall be seized for any Cause of Forfeiture, and any Dispute shall arise whether the Customs and Duties for such Goods have been paid, or the same have been lawfully imported or exported, or concerning the Growth, Product, or Manufacture, of such Goods, or the Place from whence such Goods were brought, then, and in such Cases, the Proof thereof shall lie upon the Owner or Claimer of such Ship or Goods, and not upon the Officer who shall seize or stop the same; any Law, Custom, or Usage, to the contrary notwithstanding.

In Trials upon Information, in *America*,

And be it further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and sixty four, in case any Information shall be commenced and brought to Trial in America, on account of any Seizure of any Ship or Goods as forfeited by this or any other Act of Parliament relating to His Majesty's Customs, wherein a Verdict or Sentence shall be given for the Claimer thereof; and it shall appear to the Judge or Court before whom the same shall be tried, that there was a probable Cause of Seizure, the Judge or Court before whom the same shall be tried shall certify on the Record or other Proceedings, that there was a probable Cause for the Prosecutors seizing the said Ship or Goods; and, in such Case, the Defendant shall not be intitled to any Costs of Suit whatsoever; nor shall the Persons who seized the said Ship or Goods, be liable to any Action, or other Suit or Prosecution, on account of such Seizure: And in case any Action, or other Suit or Prosecution, shall be commenced and brought to Trial against any Person or Persons whatsoever, on account of the seizing any such Ship or Goods, where no Information shall be commenced or brought to Trial to condemn the same, and a Verdict or Sentence shall be given upon such Action or Prosecution against the Defendant or Defendants, if the Court or Judge before whom such Action or Prosecution, shall certify in like Manner as aforesaid that there was a probable Cause for such Seizure, then the Plaintiff, besides his Ship or Goods so seized, or the Value thereof, shall not be intitled to above Two Pence Damages, nor to any Costs of Suit; nor shall the

where a probable Cause of Seizure appears, the Judge shall certify the same on the Record;

and the Defendant shall have no Costs, nor Action;

and in Suits, where no Information shall be commenced and brought to Trial,

and the Court shall certify there was a probable Cause of Seizure,

the Plaintiff shall have but 2 *d.* Damages, and no Costs;

the Defendant in such Prosecution be fined above One Shilling. and the Defendant be fined not more than 1 s.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced, either in Great Britain or America, against any Person or Persons for any thing done in pursuance of this or any other Act of Parliament relating to His Majesty's Customs, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give the said Acts, and the Special Matter, in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of such Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law. General Issue. Treble Costs.

FINIS.